

REMARKS

The Office Action of July 7, 2003 has been carefully studied. The fee for a one-month extension of time is attached herewith.

The claims in the case are now 1-8 and 10-27. Applicants acknowledge that claims 5 and 12-20 are merely objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Detailed Action

Claim Rejections - 35 U.S.C. § 112

In response to the Examiner's rejection of claim 2 as being indefinite under 35 U.S.C. § 112, it is seen that the claim is now substantially rewritten. The original reason for using the word "pure" before "surfactant" was to indicate that the percentages and proportions were based on materials which were not associated with diluents. Instead of utilizing the term "pure" the claim now refers to "diluent free". To explain further, attention is invited to Formulation 4, bridging pages 13 and 14 of the specification. In this formulation, the emulsion-breaking agent is not associated with a diluent, but the wetting agent comprises two surfactant compositions, both of which are associated with a diluent, one diluent being a petroleum cut and the other being a hydro alcoholic compound, the calculated percentages of these diluents being 14.5% in the Formulation. This amount is added to the 50% by weight of the diluent Ketrul 210® (deodorized kerosene cut). On page 13, line 2 the Formulation is stated to contain 64.5% by weight of solvents, the words diluent and solvent being interchangeable for the purposes of the present application. Accordingly, the present rendition of claim 2 clarifies the intent of original claim 2 and is believed to overcome the rejection under 35 U.S.C. § 112.

Claim Rejections - 35 U.S.C. § 102

At the outset, it is seen that claim 1 is now amended by incorporating a wetting agent in the form of an anionic surfactant, and this precludes a rejection under 35 U.S.C. 102 on the basis of any of the cited references, as discussed below:

Sinquin et al. 5,958,844

This reference is directed to a method for transporting hydrates as suspended in a fluid comprising water, gas and a liquid hydrocarbon. There is no mention of the use of a wetting agent, much less an anionic wetting agent, and there would be no motivation to add same.

The Hillion references 6,492,430 and 6,221,920

Hillion '430 states that the composition can be used as an emulsifying and dispersing surfactant, in particular as an additive for dispersing hydrates and oil effluents. Hillion '920 teaches that the composition can be used as an emulsifying agent or an agent for stabilizing foams in a liquid or an emulsion. Thus, both Hillion references have teachings diametrically opposite to Applicants' objective of breaking emulsions on the one hand, and do not suggest incorporation of an anionic wetting agent on the other hand.

At this juncture, Applicants note that a French application which is a priority document relating to U.S. 6,221,920 was filed September 25, 1997, and presumably it was published in March of 1999. Likewise, the priority application of U.S. 6,476,081 was published on November 24, 2000, (the priority date of the present application). Since the objectives of both references are far different than that of the present application, such references, it is respectfully submitted, are not useful for a rejection predicated on 35 U.S.C. 103.

In summation, the cited references and the published French application counterparts neither anticipate nor make obvious claim 1 and claims dependent thereon.

New Independent Claims

Allowable claim 12 is now amended to be in independent form. New claims 21-23 are dependent thereon.


New claim 24 constitutes allowable claim 19 in independent form and claims 25-27 are dependent thereon.

Finally, it is seen that claim 11 is now modified so that it is a process claim and is properly dependent on claim 17.

Inasmuch as the application now appears to be in condition for allowance, an early notice thereof would be sincerely appreciated. If, however, there are any residual problems that can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



I. William Millen, Reg. No. 19,544
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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